

SUGAR TRIAL JURY FAIL TO AGREE

Discharged at 1:30 A. M. After More Than 12 Hours Debate.

PARSONS NOT IN COURT

Because of His Years He Was Permitted to Go to His Home.

PROSECUTION TOO LATE

Jury Believed to Have Split on the Statute of Limitations.

CASE MAY NOT BE RETRIED

Vote Various Estimated But Probably Nearly Even for Conviction and Acquittal.

The sugar trial jury announced in the United States Court at 1:30 o'clock this morning after more than thirteen hours' deliberation that they could not agree and Judge Hand discharged them. Of the four defendants accused as officers of the sugar trust of conspiracy in restraint of trade Washington B. Thomas, president of the trust; Arthur Donner, and George H. Frazier were in court.

The aged John E. Parsons had been permitted to go home. His son, Herbert Parsons, former Republican county chairman, remained in court until the jury came in and as soon as the disagreement had been announced hurried to a telephone and notified his father.

The statute of limitations was the rock on which the jury split. Before leaving the room in which they had been discussing the case so many hours, they agreed not to reveal the vote or to give any idea of the sentiment among them.

Herbert Parsons said he had been informed that the final vote stood 11 for acquittal to 1 for conviction. It was understood from what appeared to be excellent authority, however, that the vote was 10 for acquittal and 2 for conviction. Although the foreman of the jury declined to make any statement as to how the jurors stood, two of the jurors stated positively that the last vote stood 7 to 5 for acquittal.

District Attorney Henry A. Wise said he did not know whether or not he would attempt another prosecution of the defendants. He said that the statute of limitations had been the difficulty in the case of the prosecution, and he added that the case was an old action which ought to have been tried before he took office.

"After nine years," he said, "I shall not know what to do until I have consulted with the Attorney-General."

Judge Hand discharged the jury without a word of thanks, which is not usual in the Federal Court. He merely received the announcement of the foreman, which first had been sent in to the judge in a written note and then had been repeated verbally in the open court. He then discharged the jury in almost so many words.

Delancey Nicoll said that the result of the trial was a victory for his clients. The Government, he said, had attempted to show a conspiracy and had failed. He declared himself as very much pleased. The defendants themselves had nothing to add to Mr. Nicoll's statement.

At 10 o'clock, Judge Hand agreed to excuse Mr. Parsons on account of his age and because in a misdemeanor case the presence of a defendant is not necessary although customary in the United States courts here, when a verdict is due. Herbert Parsons took his father home in a taxicab and returned himself to court.

Judge Hand came back after dinner and waited in his chambers. President Washington B. Thomas of the sugar trust spent most of the evening pacing up and down the corridor, while Mr. Donner and Mr. Frazier chatted with each other and with the lawyers. It was plainly a disappointment to the defense that the jury had taken so long. They had been hoping for a speedy verdict.

The jury went out at fifteen minutes after noon. It was evident from the questions they put to Judge Hand after several hours of discussion that what bothered them was the statute of limitations as it was to be applied under the court's charge. The charge said that the defendants could not be convicted of the conspiracy charged against them for anything that happened wholly prior to July 1, 1906, that what took place before that date must be considered only as it extended over that date. The \$1,250,000 loan to Adolph Segal, made, as alleged, with the purpose to keep the Pennsylvania refinery from competing, was made on January 4, 1904, and the negotiations leading up to it, upon which much of the evidence bore, occurred in November and December, 1903.

The loan was to run for one year, to January 4, 1905. It was not paid then, though the defense attempted to show that the company through Mr. Parsons tried to collect the money in 1905. The refinery remained closed all this time, however, under the loan agreement, and remained closed after July 1, 1906, the date, which tied up the controlling stock as collateral, being still unpaid. In August, 1906, the defendants attempted to foreclose on Segal's Majestic apartment house, but not on the refinery. The refinery went into a receiver's hands in October, 1906.

Judge Hand charged the jury that there are three purposes which might have actuated the defendants in keeping the refinery closed after making the \$1,250,000 loan, to protect the collateral, to prevent competition, or to prevent com-

CHRISTIAN SCIENCE HEALER CONVICTED

Case to Be Carried Up for Trial of Right to Heal for Fees.

COURT RULING ADVERSE

Phrase "Practice of Medicine" Covers What the Practising Healers Do.

Willis Vernon Cole, the Christian Science practitioner, whose first trial resulted in a disagreement, was convicted on the second trial yesterday by a jury before Justice Seabury in the Criminal Branch of the Supreme Court of practicing medicine without a license. Samuel Untermyer, his attorney, said that he would carry the case to the Appellate Division and if necessary to the Court of Appeals. Justice Seabury fined Cole \$100 and Cole paid the fine.

When the session opened Mr. Untermyer moved to dismiss the indictment on the ground that the complaining witness, Mrs. Frances Benzecry, an investigator for the New York County Medical Society, was not suffering from any disease when she applied to Cole for treatment. This motion was denied.

Henry D. Estabrook in summing up for the defense said that Cole was "a good man, honest, sincere, pure minded and a Christian gentleman," and that "we haven't enough such in the United States to make criminals of those we have."

The case was important, he said, because it was "another Magna Charta to millions of Christian Scientists throughout the country." "The law that Cole was indicted under," he said a minute later, "would make out of Jesus Christ a criminal."

When Mr. Estabrook started to quote President Taft as to Christian Science in the Canal Zone from newspaper clippings, Justice Seabury interrupted him by ruling that newspaper clippings were not a competent source for judicial decisions. "The only verdict you can bring in against Christian Science," Mr. Estabrook concluded, "is that it is too good to be true."

Assistant District Attorney Not characterized Mr. Estabrook's address as a "sermon," and said that "this case is trying to establish a special privilege for itself which no other sect has. Everybody has a right to believe what he sees fit, but when it comes to doing acts, then there is a restriction. The restriction in this case is that acts shall not be done under the guise of religion that endanger health. The defendant says there is no such thing as disease. The State, however, assumes that there is such a thing and that it is a stern reality. That is the law. If a physician claimed that God cured through a method of treatment or drug used by the physician that would not exempt him from the necessity of having a license."

WED ON WEEK'S ACQUAINTANCE

Miss Maude C. Eddy Becomes the Bride of John L. Martin in Hoboken.

John L. Martin and Miss Maude C. Eddy were secretly married at midnight in Hoboken last Monday. The two are now on their way to Grand Rapids, Mich., where the bride's father is living.

Mr. Martin is the son of the late John F. Martin. He met Miss Eddy, who is the daughter of Mrs. Margaret Eddy of 410 Riverside Drive, two weeks ago at the home of a friend. The parents of the two when they were told of the engagement within a week after the acquaintance began, advised that the wedding be postponed, but Mr. Martin called for Miss Eddy in an automobile, together with several friends, late Monday night and hurried to Hoboken, where the ceremony was performed.

The bride was a student at the Castle School at Taylorsville, and also attended the Finch school here. She has a talent for acting and the part she played in a performance of the School of Dramatic Arts attracted considerable attention several years ago.

This is Mr. Martin's second marriage. His first wife was Miss Gladys E. Tol-kamp who divorced him.

BURNED SAVING CHILDREN

With Got Them Out Safely, but His Clothing Took Fire.

Gustav Wirth of 239 West Fifteenth street was seriously burned early last evening while saving the three children living with him from a small fire on the third floor of the tenement at that address. The children are Sarah, 12 years old; James, 5 years old; and Mark, 3 years old. Wirth, who lives across the hall, heard them scream and he and Mrs. Brown ran to the front room where they were.

The fire was in a bedroom through which Wirth had to pass to get to the front room and the children. He brought the two youngest out first, and then grabbing up a blanket returned for the twelve-year-old girl. When he came out with her singly wrapped in the blanket his own clothing was on fire.

Wirth ran down to the street and Police-man Suggs of the West Twentieth street station wrapped him in his coat and sent for an ambulance. Wirth was badly burned about the face, hands, arms and chest. The fire did \$500 damage.

NAMES TAFT AS DELEGATE

Beverly Board of Trade Will "Send" President to Conference.

BOSTON, March 30.—President Taft has been chosen by the Beverly Board of Trade to head its delegation to the conference to be held at Washington in May for the purpose of forming a national board of trade.

The President asked commercial organizations all over the country to send delegates and the Beverly board named its most distinguished member.

The other delegates will be Col. William D. Scholer of the State Highway Commission and Thomas P. Beale, both neighbors of the President during his summer stay.

DEWEY'S PURE GRAPE JUICE
Fulfills the blood, a delicious beverage.
H. T. DEWEY & SONS CO., 135 Fulton St., N. Y.

SAW HER LITTLE SON KILLED.

Mrs. Miller at Her Window as Auto Ran Over Boy.

MISS SEARS FINISHES TRAMP OF 112 MILES

She Arrives at Del Monte Forty Hours After Leaving Burlingame.

TIRED, BUT STRONG AT END

Boston Girl Declares She Found No Difficulty in Keeping Up Three Mile Gait.

DEL MONTE, Cal., March 30.—Showing little effect from her long tramp of 112 miles, Miss Eleanor Sears arrived at the Del Monte Hotel shortly after 10 o'clock to-night, accompanied by Harry Lee and William G. Devereaux. She was met at the hotel by a delegation of guests and loudly cheered as she ascended to the veranda.

"The trip was devoid of excitement," said Miss Sears. "The road was good and I found no difficulty in keeping up an average pace of about three miles an hour. I found considerable interest in my efforts among the people along the road and received nothing but courtesy. I cannot but say that I am glad the trip is over, for I am naturally somewhat tired, but not any more so than the effort calls for."

In addition to Lee and Devereaux, Miss Sears was accompanied by Mrs. Francis J. Carolan in her automobile. Toward the end of the trip frequent stops were made at intervals of about a mile for the purpose of giving Miss Sears short rests on the running board of the machine.

Miss Sears left Burlingame at 6 o'clock yesterday morning and arrived at her halfway point, Gilroy, shortly after midnight. The party started out about 2 o'clock this morning, resting at San Juan at 6 o'clock for breakfast and at Salinas for luncheon at 1:30 o'clock. It was said by those who watched the start from Salinas at 4:15 o'clock that Miss Sears was apparently somewhat stiffened from her long walk and that starting seemingly was an effort.

As soon as she reached the fine road leading from Salinas to Monterey, however, she quickly got into her stride again and swung along in good heel-and-toe fashion and finished strong.

Her time was forty hours, or a little better than three miles an hour.

JANE ADDAMS IN VAUDEVILLE.

Will Champion Cause of Suffragettes From Chicago Stage April 1.

CHICAGO, March 30.—Miss Jane Addams, director of Hull House Settlement, will make her first appearance on any vaudeville stage on Monday at the Majestic.

This announcement was made to-day by the Majestic management, was confirmed by Miss Addams herself and it is guaranteed that no April 1 string of any sort is attached.

This is the first of the new experiences which Chicago suffragettes are to furnish Chicago during the next week's windup of their suffrage preferential campaign.

Miss Addams will make a direct presentation of the reasons why the women of Chicago, particularly the thousands of working girls and self-supporting women, need a direct voice in the government of the people.

"On first receiving the invitation," she said, "I winced at the thought of the vaudeville stage, but mature reflection led me to accept."

CHAPLAIN'S BODY IN RIVER.

Capt. John Dillam, U. S. A., Had Been Missing Two Weeks.

INDIANAPOLIS, March 30.—The body of Capt. John Dillam, U. S. A., attached as chaplain to the Twenty-third Regiment stationed at Fort Benjamin Harrison here was found in the Illinois River to-day according to information reaching here late this afternoon. Dillam had been missing for two weeks. The body was reported to have been found near Merced, Ill.

Justice Seabury charged that "one who holds himself out by sign, card or public advertisement as being able to cure, treat or prescribe for any human disease, pain, deformity or ailment, who maintains a public office to which persons may come for treatment and who receives a fee is engaged in the practice of medicine under the meaning of the law."

"I further charge," he said, "that even though surgery is not resorted to and no drug is used and also even though the person so holding himself out engages in prayer, he is engaged in the practice of medicine under the meaning of the law."

Justice Seabury mentioned a decision of the United States Supreme Court in which the right of the State to interfere in matters of health was upheld even though religious tenets were alleged in opposition to such interference. The jury was out forty-five minutes. Cole went over to his wife, who was one of a large number of women Christian Scientists in the court room, and got the money from her to pay the fine.

CONSUMPTION VIA THE SKIN.

French Scientist Discovers New Mode of Transmission for Disease.

PARIS, via Glace Bay, March 30.—Dr. P. P. P. of Lyons announces that he has found the microbes of tuberculosis in the perspiration of consumptives and believes that this accounts for the contagion carried by their clothes. The doctor found 42 per cent. of samples taken from consumptives, which had been inoculated with germs so carried, infected.

He also found that the microbes of rheumatism and peritonitis can be diffused in the same way. His conclusion is that if the bacillus is able to leave the body through the pores of the skin it can enter it in the same manner.

SLAIN IN FIANCEE'S ARMS.

Georgian Shot by Brother-in-law on His Wedding Eve.

MACON, Ga., March 30.—Charles Hall Taylor, son of Macon's wealthiest family, and Miss Mary Lulu Carter were to have been married to-morrow, but the wedding will not take place, because Taylor was shot dead while embracing the girl by Franklin Tyndall, his brother-in-law.

"I hope I won't hurt my brother-in-law," he said at the inquest to-day, "but Harley was the only man I ever loved. We were to have been married to-morrow. The license was in his pocket last night. He and I were in the porch and he was kissing me when my brother-in-law came upon us and shot Harley dead. It breaks my heart that he should have been killed in my arms."

Tyndall says he thought it was Mrs. Tyndall whom Taylor was embracing. Taylor had been married and divorced. He had been warned by Tyndall to keep away from his home.

FED THIEF UNAWARES.

Tiernan Made Sandwiches for Burglar Who Had His Wife's Jewelry.

Counselor Peter Tiernan of Tompkinsville, Staten Island, after eating dinner last night heard somebody in the pantry. He went into that room and found a poorly dressed young man searching the closet. Mr. Tiernan asked him what he wanted and he said he was nearly starved and was looking for something to eat.

Mr. Tiernan believed the man's story and made him a couple of sandwiches. He asked the stranger how he got into the house. The man said he found a door open. This proved not to be so, for both doors were locked. The man went away with his sandwiches.

Mrs. Tiernan, who had been out for a few minutes, found when she went to her room that a bureau drawer had been opened and her gold watch and chain, bracelet and some pearls were missing. They were valued at several hundred dollars.

BOYS TO VOTE ON CIGARETTES.

School Children to Say if They Want Abolition Law.

LOS ANGELES, March 30.—"Do you use cigarettes?" Do you favor a law abolishing cigarettes?" These questions will be submitted to a vote of the 120,000 school children in the city and in Los Angeles county. The school officials are confident that the children will vote against cigarettes. Similar tactics may be pursued in other cities in the State.

The children in the various schools will vote by raising their hands. Teachers will count the votes and record them.

DID KAISER SAY "FORTIFY"?

Official Denial of Panama Canal Talk With Col. Goethals.

SPECIAL CABLE DISPATCH TO THE SUN. BERLIN, March 30.—Denial that the Kaiser told Col. George W. Goethals that he believed the Panama Canal should be fortified was made in the official North German Gazette to-night. The statement attributed to the Kaiser was quoted by Col. Goethals in the United States a few days ago on his return from inspecting canal terminals in Holland and elsewhere.

The denial was made "on authority."

Col. Goethals is quoted as saying, when told last night of the North German Gazette's denial: "What I have said about this matter stands. I can't help what the North German Gazette says."

PREACHER MARRIES HIMSELF.

Other Minister Floodbound, So Bridegroom Performs Ceremony.

TEBBE HATTE, Ind., March 30.—The Rev. John Peters performed a marriage ceremony for himself and Miss Maude Bowman at Annapolis, Ill., to-day.

The minister who was to have officiated was floodbound and could not reach Annapolis.

GIRL LOSES BALDWIN CLAIM.

Supreme Court of California Rules Against Miss Turnbull.

SAN FRANCISCO, March 30.—The Supreme Court handed down a decision to-day affirming the action of the lower court in dismissing the suit of Beatrice Anita Turnbull, in which she sought to be awarded a share of the \$11,000,000 estate left by E. J. (Lucky) Baldwin.

Miss Turnbull's mother, who was Lillian Ashley of Boston, recipient of attention from Col. Albert A. Pope, bicycle magnate, declared she was the common law wife of Baldwin and that he was the father of the girl.

When testimony in behalf of the girl's claim was put in the lower court took the case from the jury and ordered a verdict against Miss Turnbull.

SULTAN YIELDS TO FRANCE.

Treaty Establishing Protectorate Signed—Fete Day in Fez.

SPECIAL CABLE DISPATCH TO THE SUN. FEZ (by radiograph to Casablanca and cable to Paris), March 30.—The treaty establishing a French Protectorate over Morocco was signed by the Sultan this afternoon. The people are to be advised of this action on Sunday afternoon by the firing of a salute of 100 guns in honor of the signing of the treaty.

The treaty is couched in almost the same terms as the Bardo treaty of 1881 establishing a French Protectorate over Tunis.

DIVORCES DE WITT C. FLANAGAN.

Decree Granted to the Brewer's Wife in an Undeclared Case.

Judge Morschauer of Poughkeepsie granted yesterday an interlocutory decree of divorce to May Woodward Flanagan, wife of De Witt Clinton Flanagan, the brewer of this city. The correspondent was not named, but the misconduct is said to have taken place in the Hoffman House in October, 1910. The suit was for absolute divorce and was undefended.

The De Witt C. Flanagan was named in the unsuccessful divorce proceedings in 1908 of Dr. Lee De Forest of the American De Forest Wireless Telegraph Company against his first wife, Lucille Sheardon, who then brought a countersuit against her husband that was successful. Dr. De Forest, whose second wife, Mrs. Nora Stanton Black De Forest, daughter of Mrs. Harriet Stanton Black, the suffragist leader, has since been divorced from him, brought suit in 1906 against Mr. Flanagan for \$50,000 for alienating his first wife's affections. Mr. Flanagan is president of the Clausen-Flanagan Brewing Company of this city, of the Flanagan Realty Company, the Canon Glen Park Company, and is director of several other business organizations. His wife was Miss May Woodward of Morristown, N. J.

COTTON EXCHANGE TO BUILD.

Twelve Story Structure Will Replace Old One at Beaver and William Streets.

The New York Cotton Exchange, a seven story building at the southeast corner of Beaver and William streets, is about to be replaced by a twelve story office and exchange building. Officers of the exchange have asked for competitive plans from several architects, including Kenneth Murphree, May-nicke & Franke, Henry Ives Cobb, Warren & Wetmore, George B. Post & Sons, and Donn Barber. Walter Cook will be advisory architect.

The present building is twenty-seven years old. It cost, with the land, furniture and fittings in the neighborhood of \$1,000,000. George B. Post was the architect.

The Cotton Exchange fronts 99 feet on Pearl street, 117 feet on William street, and 87 feet on Beaver street. A special building committee consists of A. B. Gwathmey and E. K. Cone.

CARNEGIE GAVE \$2,326,370.

His Library Donations of 1911 More Than Double Those of Previous Year.

The American Library Association gives in its March Bulletin a detailed list of important gifts and bequests to American libraries in 1911. The total cash donations amount to \$3,364,822.69, nearly \$1,500,000 more than was given in 1910. Of this amount Andrew Carnegie gave \$2,326,370, more than double his gifts of 1910, to 136 towns and cities in the United States and twenty-eight in Canada.

The majority of these towns are in the middle West and the South and in the Province of Ontario, although nearly every State in the Union is represented.

One of the notable gifts of the year was a collection of books, manuscripts, photographs and other matter amounting to 33,407 items relating to the native races of North America, Hawaii and the Philippines, which was given to the Newberry Library of Chicago by Edward E. Ayer.

Asheville, Tryon & Hendersonville
The Land of the Sky.
The air clear and dry, full of ozone, electric heating, beautiful hotels, reached quickly by SOUTHERN RAILWAY. Information N. Y. Office—26 Fifth Ave., cor. 29th St.—Ado.

TAFT STANDS FOR SANE PROGRESS

Tells Philadelphia Business Men He Favors Practicable Reforms.

PHILADELPHIA, March 30.—President Taft made three speeches here to-day and to-night.

Before the Ohio Society he denounced "progressive extremists," and added: "In the last ten years a movement for political and economic reform has developed. Some call themselves progressives, and there are others of us who are just as progressive and do not say so much about it."

"The Constitution has been denounced as antiquated and old foggy. I am glad to express my gratification that this surface noise and lecturing does not represent the true sentiment of the people of this country."

"We are conservative people ready for progress on conservative principles."

"We have not the time to refute all the theories that noisy so-called reformers are advocating without having worked out their half baked plans."

"A progressive is one who makes progress in the right direction and I claim for the administration of which I am an humble part that we have endeavored to make progress in the proper direction."

Before the members of the Chamber of Commerce in the Bourse Building he expressed the hope that the trouble in the anthracite fields will be averted by an amicable adjustment without the necessity for Government mediation.

"The audience, which was composed of representative business men of eastern Pennsylvania, whose interests will be adversely affected by a strike, greeted Mr. Taft's remarks on the coal situation with applause."

"I believe we are on the eve of good times," the President said. "I believe that things are growing better and I am delighted to know that there is a solution of the soft coal strike of the West, and I sincerely hope, and believe I have some reason to hope, that the hard coal strike in the East is near solution."

"Of course as President of the United States I have no jurisdiction in such a matter. It is only as a citizen interested deeply in the welfare of all communities that I would have the right at any time to attempt by suggestion to help solve the difficulties, and I hope I know enough to know that it is better to wait and know you are welcome than to go butting into a matter between parties who know their rights, are able to settle them and both of whom I am sure desire a peaceful and satisfactory solution."

"Mediation of course is part of my business, but I am glad to believe that in this particular instance mediation will not be necessary, that we will have a satisfactory solution for both parties because they are in that frame of mind, and with those difficulties out of the way we may go on to that prosperity that will bring to every individual in the community a more comfortable lot, at least will bring these to individuals who are not capitalists and not wealthy."

RICH ALWAYS COMFORTABLE.

"In hard times the fortunate and the wealthy are just as comfortable as they are in bad times, but it is in bad times that the poor and the wage earners suffer, and therefore those of us who long for prosperity are longing for it in order that the average happiness in the lot of the poor man may be kept as high as possible."

President Taft arrived at Broad Street Station shortly before 6 o'clock. He was met by a delegation from the Chamber of Commerce and was escorted to the Bourse Building by the first city troop of cavalry.

Mr. Taft was especially gratified by the cordiality of the reception by the people of Philadelphia. The crowds which lined the streets cheered as the President's automobile passed. Mr. Taft raised his hat and smiled an acknowledgment of the greetings.

At the headquarters of the Chamber of Commerce in the Bourse Building the audience cheered wildly as the President spoke in optimistic terms of the likelihood of settlement of the coal strike. Mr. Taft's plea for a safe and sane Government and his denunciation of political fads and fancies were especially well received.

NO HEADLONG PLUNGE

Prefers to Follow Along the Lines That Have Been Safe for 125 Years.

REAL PROSPERITY LASTS

Cites National Chamber of Commerce as Wise Administration Plan.

SEES BETTER TIMES AHEAD

Hopes That Coal Situation Will Not Reach a Point to Justify Presidential Mediation.

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NATIONAL BOARD OF TRADE.

Discussing the creation of a national board of trade the President said:

"I am very glad to have an opportunity to meet the business men of Philadelphia face to face. I don't know that I have any message for you that you could not get in a better form from gentlemen who are not so high up in Washington and know more about it, but I am glad to be able to say that we hope next month to have a meeting in Washington of the representatives of the great commercial centers of the United States."

PASTOR RUSSELL AT HIPPODROME.

Today 3 P. M. Seats Free. All Welcome.—Ado.